IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.223 OF 2005

Santosh S. Dharadhar. .. .. Petitioner
V/s.
State of Mah. & ors. .. .. Respondents

Ms.Sonal i/by Mr.A.K.Bakshi for petitioner.

Mr.S.M.Dixit for res.No.1.

Mr.M.K.Nesari for res.Nos.3 & 4.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATED : 17TH MARCH 2005

P.C. :

1. Heard Ms.Sonal in support of this petition. Mr.Nesari appears for respondent Nos.3 and 4 who are the contesting parties. As far as the petitioner is concerned, there is a certificate dated 17th December 2003 issued in his favour by the Controlling Authority under the Payment of Gratuity Act, 1972. An amount of Rs.34,269/- is due to the petitioner as per this certificate and the amount is to be paid with 10% interest.

2. Mr.Nesari, learned Counsel appearing for

respondent Nos.3 and 4, states that respondent No.3 has filed an appeal to the Appellate Authority under the Payment of Gratuity Act and has offered to deposit this amount of Rs.34,269/- before that Authority. He further states that if the amount is not so deposited so far, it will be deposited. The Authority will receive that amount. If the order passed in that appeal is in favour of the petitioner, it will be open to the petitioner to withdraw that amount. It will also be open to the petitioner to claim the amount of interest, which that Authority will look into.

3. A grievance is also made on behalf of one Shri Pradip Kumar Sharma who is also a similarly situated employee like the petitioner. It is contended that the amount of gratuity unpaid to him is also due. Mr.Nesari states that as per the calculations of respondent No.3, the amount comes to Rs.8,501/-. He has kept ready a cheque in favour of this Shri Sharma, who, however, is not present in Court. Mr.Nesari states that this Shri Sharma may approach the office of respondent No.3 within two days and collect this cheque, if he wants to collect it in full and final settlement. If he does not want to collect this cheque,

respondent No.3 proposes to file a similar appeal to the Appellate Authority under the Payment of Gratuity Act and it will be open to it to deposit the amount in that proceedings. No further order is necessary. The petition stands disposed of.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)